



THE CITY OF NEW YORK  
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May 7, 2012

**BY ECF**

Hon. Joan M. Azrack  
United States Magistrate Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Warren v. City of New York, et al., 08-CV-3815 (ARR) (RER)

Your Honor:

In accordance with the court's instructions, we enclose a red-lined summary of the case to be read to the panel of jurors, describing generally the facts of this case. The enclosure is plaintiffs' draft with our red-lined changes. The parties have not agreed to the contents of the summary as yet: Defendants object to plaintiffs' description unless their proposed changes are included. Earlier this morning we forwarded the enclosed red-lined version to plaintiffs' counsel but have not yet heard back as to whether they agree. At jury selection this morning, we will be prepared to discuss the appropriate summary to be provided to the panel of jurors.

Respectfully submitted,

/s/

Arthur G. Larkin (AL 9059)  
Assistant Corporation Counsel

AGL/m  
cc: All Counsel (by ECF)

This is a civil rights lawsuit in which the plaintiffs allege that they were wrongfully arrested and physically assaulted and maliciously prosecuted by a New York City Police Sergeant and various NYPD police officers.

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Specifically, the plaintiffs Michael and Evelyn Warren claim that they came upon several NYPD police officers on a public street beating an individual who was in handcuffs and asked the officers to stop. The Warrens claim that they did nothing to interfere with the officers, but merely verbally asked the officers to stop the beating. The Warrens claim that in response, an NYPD Sergeant punched both Michael and Evelyn Warren, that he and other officers used other excessive force against the Warrens, and that he and other officers illegally arrested the Warrens without cause. The Warrens claim that these actions caused them economic, physical and emotional injuries.

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The defendants deny the plaintiffs' claims. The defendant officers claim that they were arresting an individual who had just bought crack cocaine and driven a stolen car recklessly in a high speed pursuit, crashing the car into two other vehicles during the chase. While making the arrest of this individual, Michael Warren stopped his car, exited his own vehicle, physically interfered with their efforts make the arrest, and directed multiple profanities at the officers. The plaintiffs, Michael and Evelyn Warren, do not dispute that the arrest of the individual on the street was lawful. The defendants also claim that Evelyn Warren acted in a disorderly manner. The defendants claim that they therefore had probable cause to arrest the Warrens. The defendants contend that the force they used to arrest both Michael and Evelyn Warren was lawful and reasonable given the circumstances presented at the time.

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Deleted: The defendants admit that an officer punched Mr. Warren one time, but deny that Mr. Warren was punched more than once and deny that Evelyn Warren was punched.

Deleted: punch to Michael Warren was justified because Michael Warren was sitting in a car holding the steering wheel and refused to get out of the car, and the punch was a reasonable amount of force to use against him.

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Thus, while defendants claim that they lawfully arrested the plaintiffs and used a reasonable amount of force in doing so, the plaintiffs claim that they were arrested without cause and that excessive force was used against them by the police.

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